

YOUTH SERVICES POLICY

Title: Driver Safety Program Next Annual Review Date: 09/10/2013	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.48
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References: La. R.S. 32:57(A), 409.1(D), 39:1543, ORM Rule, Title 37 Insurance, Part 1 RM, State's Fleet, Management Program, Title 4, Part V, Subchapter F; Title 34, Part XI of the Louisiana Administrative Code; YS Policies A.2.1 "Employee Manual, A.2.7 "Drug Free Workplace" and A.3.2 "Travel"; ACA Standards 2-CO-1B-11, 2-CO-1C-05 (Administration of Correctional Agencies), 4-JCF-1C-17, 4-JCF-6B-02, 4-JCF-6D-03 (Performance-Based Standards for Juvenile Correctional Facilities); 2-7054 and 2-7069 (Standards for Juvenile Probation and Aftercare Services)	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 09/10/2012

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To increase the safety of our Youth Services (YS) employees and contracted health care providers, control the use of vehicles used in the performance of state-related business, reduce the state's liability exposure, reduce loss expenses, achieve accountability, and meet the requirements of Louisiana Revised Statute 39:1543.(1)(f) by establishing and maintaining an effective Driver Safety Program.

III. APPLICABILITY:

This policy applies to all employees and contracted health care providers of YS. Each Unit Head is responsible for ensuring that all necessary procedures are in place to comply with the provisions of this policy.

IV. DEFINITIONS:

Accident - Any incident in which the vehicle comes in contact with another vehicle, person, object, or animal, which results in death, personal injury, or property damage, regardless of who was injured, what was damaged or to what extent, where it occurred, or who was responsible.

Authorization/Driving History Form (DA 2054) - A record that is maintained by the unit's Safety Officer on each employee who drives for the purpose of conducting state business. The form includes the employee's current personal information, employment information, date authorized to drive, date of last defensive driving class, certification by the employee that he/she maintains liability insurance as required by state law and the signature of the unit head authorizing the employee to drive.

Authorization/Driving History Form (DA 2055) - A record that is maintained by the unit's Safety Officer on each contractor authorized to drive state vehicles during the performance of on-site health care related functions.

Employees - All staff employed by Youth Services that are classified, unclassified, WAE (when actually employed), contracted health care providers, and student workers.

Fleet Control Officer - Staff designated by the unit head to monitor the requirements of the state's Fleet Management Program.

High Risk Driver –

- a. An employee having three or more convictions, guilty pleas, and/or nolo contendere pleas for moving violations within the previous 12 month period, or
- b. An employee having a single conviction, guilty plea, or nolo contendere plea for operating a vehicle while intoxicated, hit and run driving, vehicular negligent injury, reckless operation of a vehicle, or similar violation within the previous twelve (12) month period.

Louisiana Defensive Driving Course - A course on defensive driving techniques which introduces techniques to fine tune employees' driving skills.

Official Driving Record (ODR) - Record maintained by the Office of Motor Vehicles on each driver in the State of Louisiana containing history of driver violations and accidents.

Safety Officer - Person(s) responsible for bringing all affected employees into compliance and ensuring continuing compliance with the requirements of this Driver Safety Program.

State Vehicle - Any licensed vehicle owned, leased and/or rented by the State of Louisiana for official state business. The personal use of a state-owned or leased vehicle is prohibited with the exception of home storage commute miles if approved by the commissioner of administration via the DOA MV-2.

Unauthorized Driver - A driver shall be considered "NOT" authorized if any of the following occur:

1. Meets the definition of high-risk driver;
2. Does not complete/pass the ORM recognized driver safety course within the allowed time period;
3. Does not hold a valid driver's license;

4. The ODR is not cleared of all flags as noted in Section VI.F.5.; or
5. The Authorization and Driving History Form (see attached DA 2054 dated 7/1/12) has not been completed by the employee and authorized by the applicable Unit Head upon hire and annually thereafter.
6. Driver has been declared an unauthorized driver by Investigative Services (IS) due to misuse of a state vehicle.

When IS determines the misuse of state vehicles, IS staff shall recommend unauthorized driver status to the Unit Head for approval and processing as outlined in this policy.

Unit Head - Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretaries, Regional Directors, Facility Directors, Regional Managers and/or designee.

Wireless Telecommunications Device - Any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

V. POLICY:

It is the Deputy Secretary's policy that all YS employees and contracted health care providers shall meet the requirements of the Driver Safety Program, which is part of the overall Office of Risk Management's Loss Prevention Program. The State of Louisiana provides insurance coverage for liability and physical damage to state owned and leased licensed vehicles, and provides excess liability coverage over the individual's private insurance required by law for employees' private vehicles used in the course and scope of their state employment.

VI. PROCEDURES:

A. AUTHORIZATION PROCESS

1. Each applicable Unit Head shall designate the person(s) responsible (referred to herein as "Safety Officer") for bringing all affected employees into compliance, with the requirements of this Driver Safety Program.
2. Each applicable Unit Head is responsible for designating which employees are authorized to drive state vehicles or personal vehicles on state business.

3. Personal vehicle usage shall be determined on a case-by-case basis with prior written travel authorization. Employees who drive their personal vehicle on state business shall be required to show proof of insurance annually. The annual approval of the Travel Authorization Form (refer to YS Policy A.3.2) shall cover an employee's **routine** travel in a personal vehicle as long as the special approval fields are documented appropriately on the form.
4. Any OJJ employee whose job duties involve the operation of state vehicles shall complete form DA 2054, which is used to obtain his/her Official Driver Record (ODR) from the Department of Public Safety (DPS), Office of Motor Vehicles (OMV).

All OJJ employees authorized to drive state vehicles are also authorized to drive rental vehicles after all rental vehicle requirements are met in accordance with PPM No. 49, General Travel Regulations. (refer to YS Policy A.3.2)

Contract employees needing transportation to perform on-site health care related functions shall be allowed access and use of State vehicles with the approval from the contracting authority and Facility Director. The contract employee must complete the DA 2055, Contractor Driver Authorization form in advance of the authorized travel.

5. The Authorization and Driving History Form, along with the ODR, shall be submitted to the applicable Deputy Assistant Secretary, Regional Manager, Facility Director and/or designee for review. All employees must complete the ORM approved Defensive Driving Course prior to the Unit Head's approval to operate state vehicles.
6. Any employee found to be a high-risk driver shall not be authorized to drive either a state vehicle or personal vehicle on state business for 12 months from the time the agency becomes aware of the high risk status.

After the 12 month period, the employee shall complete an ORM approved Defensive Driving Course prior to reinstatement of driving privilege.

In rare situations, it may be determined that suspension of the employee's driving privileges may not be in the best interest of the agency. In the event such an incident should occur, it must be approved by the applicable Deputy Assistant Secretary, and well documented with written corrective action being placed in the employee's driver safety file maintained by the unit's Safety Officer.

7. Staff who have never been issued a driver's license or owned a vehicle must be placed on the unauthorized driver's list. When completing the DA 2054 form, staff shall attach a copy of their Louisiana Identification Card so that the ODR can be obtained to verify there is no history of a driving record.
8. If an employee is not authorized to drive, that employee, his/her supervisor, the fleet control officer and control center shall be notified in writing that he/she is not authorized to drive on state business.
9. If an employee resides outside of the state of Louisiana and possesses an out-of-state license, the unit must acquire a certified copy of the ODR from that state. The employee shall be placed on the unauthorized list until the document is received, reviewed and approved.

In some cases, i.e., Mississippi, the employee may have to personally obtain the certified out-of-state ODR. In this instance, reimbursement of costs may be refunded with petty cash after prior approval of the 156-B process. Reimbursement of costs applies only to the cost of the certified copy of the ODR. Staff shall not be allowed to use a state vehicle or be reimbursed for any travel expense associated with obtaining the certified ODR.

Notice of invalid Driver's License (Non-Louisiana Resident with Out of State Driver's License) Letter is attached to and made part of this policy.

If an employee currently resides in the state of Louisiana and possesses an out-of-state driver's license, he/she shall be given 30 days to obtain a valid Louisiana driver's license. A copy of the driver's license must be provided to the unit Safety Officer for verification. If the employee does not provide this document within 30 days, this person must be placed on the unauthorized list.

All Louisiana residents must have a valid Louisiana driver's license. La. R.S. 32:409.1(D) requires that you transfer your license to Louisiana no later than 30 days after you move to this state. La. R.S. 32.57(A) provides that if you fail to follow this law, for a first violation you shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both.

Notice of Invalid Driver's License (Louisiana Resident with Out of State License) Letter is attached to and made part of this policy.

10. No employee shall operate a state or personal vehicle on state business until he/she has completed an ORM-approved Defensive Driving Course and provided proof of insurance for personal vehicle usage.

Subsequent to completion of an ORM-approved Defensive Driving Course all authorized drivers must complete a refresher course at least once every three (3) years unless their class of license requires additional training or testing.

11. The Deputy Secretary shall appoint the Central Office (CO) Administrative Program Director to monitor compliance with the Driver Safety Program.
12. The ODR of each potential driver shall be reviewed upon hire by the applicable Unit Head/designee and annually thereafter. The annual review of each driver shall occur during the month of October for the agency. The Unit Head/designee shall have a maximum of 45 calendar days from receipt of the ODR to review and determine if the employee should be authorized to drive. In order to be in compliance with ORM requirements, each unit must obtain the ODR every 12 months and review them no later than 45 days from the date the ODR is obtained. This means that each unit must obtain the ODR during the same month as the previous year's ODR, which shall be during the month of October. To ensure compliance, each unit shall implement the attached Authorization and Driving History Log [see Attachment A.2.48(d)] for tracking purposes and ORM audit review. The Authorization and Driving History Log must be dated and signed by the Director/designee.
13. The Safety Officer shall monitor and report on the following:
 - a. Drivers experiencing a change in status of their license (see Section VI.C.2);
 - b. Drivers who have been involved in an accident or received a moving violation citation within the past 12 month period (see Section VI.C.3);
 - c. Drivers that have a "No insurance (NI)" flag on their ODR shall be placed on the unauthorized list. The Safety Officer shall advise the employee in writing* that he/she has been placed on the unauthorized list, and that the employee is required to submit documentation to the Safety Officer within 30 days verifying that the NI flag has been cleared. If the employee fails to clear the NI flag within 30 days of notification, he may be subject to disciplinary action. When considering disciplinary action, the Unit Head shall take into account the significance of the employee driving a personal vehicle as it relates to the employee's essential job

functions. The Unit Head's decision must be documented by processing the disciplinary action or by providing the Safety Officer with documentation that states that the employee shall remain on the unauthorized list. Unauthorized list documentation must be maintained in the employee's driving record file; and

****Notice of Invalid Driver's License (No Insurance Flag) Letter is attached to and made part of this policy.***

- d. Staff Development personnel shall monitor and schedule drivers when they are due to attend the Louisiana Defensive Driving Course.

14. Each Unit Head shall:

- a. Forward a copy of the documents listed below in 14.b. on each authorized driver to the Administrative Program Director only if the ODR shows "hits" or violations.

If there are no "hits" or violations, the documents must be retained as noted in (b) below.

- b. Maintain for each employee, in a confidential safety file, copies of the following:
 - 1) The Authorization/History Form (DA 2054/DA 2055);
 - 2) the ODR;
 - 3) a copy of employee's driver's license;
 - 4) a copy of proof of insurance; and
 - 5) the employee notification of being placed on the unauthorized drivers list, if applicable.
- c. Maintain and monitor each employee's Defensive Driving training date to ensure compliance with ORM standards and this policy.
- d. Each Unit Head shall provide a list of unauthorized drivers to the control center, fleet control officer, and applicable supervisors to ensure vehicle keys are not issued to unauthorized drivers. This list shall be updated as needed in the event of an accident, change of status of driver's license or new hires. This list must be signed and dated by the Unit Head.
- e. In the event of an accident or change of status of driver's license, the Safety Officer shall notify the Unit Head.

B. DAILY VEHICLE LOG / PREVENTIVE MAINTENANCE

1. When an authorized driver checks out a state vehicle he/she shall ensure that the Daily Vehicle Log [see Attachment OJJ Replacement/2008 and Attachment A.2.48(a) Daily Vehicle Log Instructions)] is completed. Upon return, the Daily Vehicle Log shall be submitted to the Fleet Control Officer.

Preventive maintenance shall be conducted on each state vehicle assigned to the unit's master inventory in accordance with the manufacturer's recommendations, and documented on the Daily Vehicle Log. Executive staff issued an assigned vehicle shall ensure that the preventive maintenance is conducted in accordance with the manufacturer's recommendations, and documented on the Daily Vehicle Log.

All authorized drivers shall conduct a safety inspection of the assigned vehicle which includes fluid levels, turn signals, brakes, brake lights, gauges, tire inflation, and windshield, as needed. This inspection shall be documented monthly on the Daily Vehicle Log.

Any discrepancies or concerns noted during an inspection shall be reported to the Fleet Control Officer for all pool vehicles or their immediate supervisor for assigned vehicles, to immediately arrange for repairs.

2. Employees who have been assigned state vehicles shall complete the Daily Vehicle Log on the last day of the month and submit it to their supervisor for review and approval, by signature. The Daily Vehicle Log must then be forwarded to the Fleet Control Officer within three (3) days.
3. The Fleet Control Officer shall ensure that vehicles and equipment are properly maintained in accordance with the manufacturer's recommendations, and that maintenance records are retained on file.
4. The Fleet Control Officer shall ensure compliance with the State's Fleet Management Program guidelines, which include preventive maintenance procedures and schedule for each vehicle in the program.

C. AUTHORIZED DRIVER REPORTING REQUIREMENTS

1. Employees who are authorized to drive state vehicles are responsible for reporting any unsafe conditions observed in vehicles used in the course of their duties to the unit Safety Officer. Additionally, the employee shall check the vehicle and make sure that it contains a blank

Louisiana State Driver Safety Program Accident Report (see attached form DA 2041).

2. All authorized drivers are required to maintain a valid driver's license for the class of vehicle they are operating. Any change in the status of his/her license (i.e. suspension, revocation or expiration of driver's license) shall be reported to his/her supervisor and the unit's Safety Officer immediately.
3. An authorized driver who receives a citation for a moving violation, whether personal or job-related and on or off the job, shall report such violation to his/her supervisor and the unit Safety Officer. If a citation is received in a state vehicle on official business, a copy of the citation shall be forwarded to the unit Safety Officer. Notification shall be made upon the first day the driver returns to work following the violation if the violation occurs after working hours.

Speeding, red light, or any other tickets issued by an automated system (Photo-enforced intersections, "photo cop" tickets) are to be reported in the same way as moving violations. The employee who checked out the vehicle is responsible for paying all fines associated with photo-enforced citations.

OJJ relies on the honesty of staff to self-report moving violations as outlined above to meet ORM management requirements. Failure to self-report and attend Driver Safety refresher training within 90 days of conviction may result in progressive disciplinary action as outlined in YS Policy A.2.1".

4. OJJ employees shall not use a Wireless Telecommunications Device while driving in a state owned, leased, or private vehicle that is being driven on state business. This includes writing, sending or reading a text based communication, and engaging in a call. Use of a Wireless Telecommunications Device is permissible for passengers in such vehicles.

Exceptions are as follows:

- a. Report a traffic accident, medical emergency or serious road hazard.
- b. Report a situation in which the person believes his personal safety is in jeopardy.
- c. Report or avert the perpetration or potential perpetration of a criminal act against the driver or another person.
- d. Engage in a call or write, send or read a text-based communication while the vehicle is lawfully parked.

D. ACCIDENTS

1. All accidents occurring while on duty (regardless how minor and whether in a state or personal vehicle) shall be reported to the driver's supervisor, unit Safety Officer and CO Fleet Manager on the day of the accident or as soon as possible.
2. A driver involved in an accident while operating a state vehicle shall immediately obtain all the information required and shall not leave the scene until page one of the DA 2041 form is completed at the scene of the accident.
3. The employee must provide the completed DA 2041 form to his/her supervisor immediately upon returning to the workplace. The supervisor must forward it to the unit Safety Officer and CO Fleet Manager within 24 hours of the accident for submission to the ORM via fax within 48 hours. If the driver is not able to complete this portion of the accident report, it should be completed by the driver's supervisor to the best of their ability.
4. As soon as possible after the accident, the driver shall obtain a copy of the police report (if one was completed). All of the above information shall be forwarded to the driver's supervisor for review and submission to the unit Safety Officer and CO Fleet Manager for further processing with the ORM.

In the event of an accident whereas a copy of a police report is not available but deemed necessary (parking lot, on-campus, etc.), the driver's supervisor shall immediately contact the unit Safety Officer to assist with the investigation and completion of the DA 2041 to determine the cause of the accident. The unit Safety Officer shall obtain written statements (UOR's) from the driver of the vehicle, and any witnesses, and take photographs of the scene, vehicles involved, etc.

5. If the employee is injured during the accident, the Employer Report of Injury/Illness (DA 1973) shall be completed by the CO Fleet Manager and submitted to the ORM within 72 hours.
6. An employee involved in an accident resulting in bodily injury or property damage while driving a state vehicle or personal vehicle on state business shall be subject to drug testing.
7. Employees found to have violated this policy may be subject to disciplinary action.

E. INSTRUCTIONS FOR THE COMPLETION AND REVIEW OF THE AUTHORIZATION AND DRIVING HISTORY FORM (DA 2054)

1. The employee shall complete and sign form DA 2054.
 - a. Complete all of the employee identification information at the top of the form. (Agency, Employee Name, Employee Number, Immediate Supervisor, Date of Driver Training Course, License Number, State of Issuance, etc.)
 - b. Enter the most recent date the employee completed an ORM recognized Defensive Driving Course. Ensure that this field is kept current.
 - c. The employee must read and sign the Employee Acknowledgement/Authorization section of the Authorization and Driving History Form (DA 2054/DA 2055). Proof of personal vehicle insurance must be attached to the form for review.
2. The applicable Unit Head/designee shall review the official driving record issued by the Louisiana State Office of Motor Vehicles to ensure the employee does not meet the high-risk driver definition.
3. The applicable Unit Head/designee shall verify that the employee passed the ORM approved Defensive Driving Course within 90 days of hire, and is repeated every three (3) years.
4. If the employee meets all of the above requirements, he/she may be authorized to drive on state business.
5. Only the applicable Unit Head/designee may review and authorize an employee to drive on state business. The Authorization and Driving History Form shall be signed and dated by the person reviewing and approving the DA 2054/DA 2055. Name stamps are not allowed.
6. The ODR, a copy of the employee driver's license, and a copy of proof of insurance shall be attached to the DA 2054/DA 2055.
7. A list indicating who is not authorized to drive on state business shall be completed after all employee records have been reviewed and released to the applicable supervisor, control center and Fleet Control Officer. This list must be signed and dated by the applicable Unit Head.

8. Driver safety files must be maintained on all employees for a minimum of three (3) years by the unit Safety Officer.

F. INSTRUCTIONS FOR REVIEW OF OFFICIAL DRIVING RECORD

1. Verify that the employee's name and license number match the information on the DA 2054/DA 2055.
2. Check the license expiration date.
3. Check any restrictions that may affect the employee's ability to drive. If needed, a partial list of restriction codes, provided by the ORM Loss Prevention Manual dated 2007, is attached and made part of this policy [see Attachment A.2.48(e)]. A complete list may be found at the Louisiana Department of Public Safety at www.dps.state.la.us.
4. Verify any violations that were received in the past 12 months and whether these violations require that the employee be placed into the high-risk category.
5. Ensure that the following flags are not noted on the ODR record above the violations section:

NI	No Insurance
SUS	Suspended
REV	Revoked
AF	Affidavit Outstanding
PUL	Pull Notice for License

G. VEHICLE SAFETY KITS

Each state owned vehicle shall be equipped with a safety kit that includes at a minimum:

a first aid kit;
small fire extinguisher; and
reflective triangle in the event of breakdown.

Flares are not allowed in state-owned vehicles.

H. VEHICLE DOCUMENTATION MANUAL

Documentation requirements for each state owned vehicle shall be maintained in a 1", 3-ring binder with a view (any color). The front of the binder shall reflect the year, make, model and color of vehicle, license plate

number, VIN number, property tag number, and the identification number if unit has assigned a specific number to the vehicle (ex. Unit 17).

The contents of the binder shall contain, at a minimum, the following documents:

1. Front inside pocket must have the "Louisiana State Fleet Management's Operator's Manual";
2. A 3-ring pouch with zippers to keep the keys, an ink pen, fuel card and gas receipts;
3. Daily vehicle log sheet (2-sided document, front and back);
4. Extra vehicle log sheets with heading completed for vehicle assignment;
5. Daily vehicle log instructions;
6. Insurance certificate (current);
7. Vehicle registration (current);
8. DA 2041 Accident Report;
9. Instructions on how to complete the Louisiana's State Driver's Accident Report form;
10. Hold Harmless Agreement (refer to YS Policy A.3.2); and
11. Unusual Occurrence Report (refer to YS Policy C.2.6).

All documentation must be maintained in sheet protectors with the exception of the "Louisiana State Fleet Management's Operator's Manual" (see # 1 above), and the current month's Daily Vehicle Log Sheet.

I. STAFF DEVELOPMENT:

1. Authorized drivers must complete an ORM approved Defensive Driving Course within three (3) months of employment, and a refresher course at least once every three (3) years unless their class of license requires additional training or testing. Prior to operating a state or private vehicle on state business, the employee must provide proof to the Unit Head that he/she has completed an ORM approved Defensive Driving Course.
2. Drivers who have violations indicated on their ODR shall be required to take the ORM Defensive Driving Course within 90 days of notification of conviction.
3. In addition to the above training, secure care facilities shall ensure that applicable staff is periodically trained as needed on the use of non-licensed vehicles such as golf carts, gators, 4-wheelers, etc. Training shall include safety precautions regarding said vehicles. This training shall be documented and maintained by the unit's Safety Officer.

4. A copy of this policy shall be distributed to all Unit Heads for discussion with staff upon final approval.
5. Upon completion of the DA 2054/DA 2055 form, all new employees shall acknowledge receipt of this policy as part of the new hire packet. The signed receipt shall be maintained in the employee's personnel file with DPS/HR.

Previous Regulation/Policy Number: A.2.48

Previous Effective Date: 04/30/2012

Attachments/References:



A.2.48 (b) Driver's Accident Report Form DA2041 instructions.doc



Vehicle Log.pdf



DA 1973 (E-1).pdf



DA 2041 Accident Report.doc

